

ROY COOPER

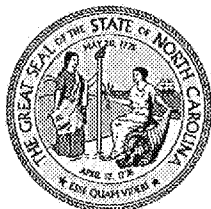
Governor

MICHAEL S. REGAN

Secretary

BRIAN WRENN

Director



NORTH CAROLINA  
Environmental Quality

August 18, 2020

**CERTIFIED MAIL: 7019 0700 0000 8867 4575**  
**RETURN RECEIPT REQUESTED**

American Zinc Products, LLC  
Attn: Tim Basilone  
4955 Steubenville Pike, Suite 405  
Pittsburgh, Pennsylvania 15205

**CERTIFIED MAIL: 7019 0700 0000 8867 4742**  
**RETURN RECEIPT REQUESTED**

American Zinc Products, LLC  
Attn: Kobus DeWet  
484 Hicks Grove Road  
Mooresboro, North Carolina 28114

**Subject: NOTICE OF VIOLATION (NOV-2020-PC-0369)**  
**American Zinc Products, LLC**  
**NPDES Individual Stormwater Permit NCS000562**  
**Rutherford County, North Carolina**

Dear Mr. DeWet and Mr. Basilone:

On July 1, 2020, Isaiah Reed from the Asheville Regional Office of the Division of Energy, Mineral and Land Resources (DEMLR or Division), conducted a compliance inspection for the American Zinc Products, LLC facility located at 484 Hicks Grove Road, in Rutherford County, North Carolina. A copy of the Compliance Inspection Report is enclosed for your review. The subject facility is covered by NPDES Individual Stormwater Permit NCS000562. Permit coverage authorizes the discharge of stormwater from the facility to receiving waters designated as the Broad River, a Class C waterbody in the Broad River Basin.

As a result of the compliance inspection, the following permit condition violations are noted:

**1) Stormwater Pollution Prevention Plan (SPPP)**

The provided site plan was found to be incomplete and lacked requirements found in Part II, Section A, 1(c) of the Permit.

**2) Analytical Monitoring**

Analytical monitoring has not been conducted and recorded in accordance with permit requirements found in Part II, Section B, Tier 1, Tier 2, and Tier 3 response actions.

**3) Secondary Containment**

Secondary containment has not been provided and maintained in accordance with Part II, Section A, 2(b) of the Permit.



North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources  
Asheville Regional Office | 2090 U.S. Highway 70 | Swannanoa, North Carolina 28778  
828.296.4500

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### **Tier 3 Required Actions**

In accordance with Part II, Section B, Tier 3 requirements, the permittee is required to conduct analytical monitoring, for all parameters, at the inlet to Basin 1 where the stormwater pipe discharges to the energy dissipater. This monitoring shall occur at a minimum of once every seven (7) calendar days to begin on the date of receipt of this Notice and to continue for a period not less than three (3) months from the date of receipt of this Notice. Be advised that this monitoring shall be done separately and in addition to the investigative monitoring conducted pursuant to Tier 2 response actions.

### **Requested Response:**

You are asked to respond to this office, in writing, **within 30 calendar days** from receipt of this Notice. Your written response should include a reasonable explanation as to why the aforementioned violations have occurred as well as a Plan of Action to prevent these violations from recurring.

Thank you for your attention to this matter. This office is considering sending a recommendation for enforcement to the Division Director regarding these issues. Your above-mentioned response to this correspondence will be considered in this process. **This office requires that the violations, as detailed above, be properly resolved. These violations and any future violations are subject to a civil penalty assessment of up to \$25,000 per day for each violation.** Should you have any questions regarding these matters, please contact Isaiah Reed or myself at (828) 296-4500.

Sincerely,



Stanley E. Aiken PE<sub>GA</sub>  
Regional Engineer  
Land Quality Section

Enclosure:  
Compliance Inspection Report

ec: Alaina Morman, Environmental Specialist [alaina.morman@ncdenr.gov](mailto:alaina.morman@ncdenr.gov)  
Jeff Menzel, Environmental Specialist [jeff.menzel@ncdenr.gov](mailto:jeff.menzel@ncdenr.gov)  
Annette Lucas, Stormwater Program Manager [annette.lucas@ncdenr.gov](mailto:annette.lucas@ncdenr.gov)  
Toby Vinson, DEMLR Section Chief [toby.vinson@ncdenr.gov](mailto:toby.vinson@ncdenr.gov)  
Stormwater Program File

## Compliance Inspection Report

Permit: NCS000562      Effective: 04/30/18      Expiration: 03/31/23      Owner : American Zinc Products LLC  
SOC:      Effective:      Expiration:      Facility: American Zinc Products, LLC  
County: Rutherford      484 Hicks Grove Rd  
Region: Asheville      Mooresboro NC 28114

Contact Person: James D Harris      Title:      Phone: 828-919-3139

Directions to Facility:

System Classifications:

Primary ORC:      Certification:      Phone:  
Secondary ORC(s):

On-Site Representative(s):

Related Permits:

Inspection Date: 07/01/2020      Entry Time 09:00AM      Exit Time: 02:30PM  
Primary Inspector: Isaiah L Reed      Phone: 828-296-4614  
Secondary Inspector(s):

Alaina Morman

Reason for Inspection: Routine      Inspection Type: Compliance Evaluation

Permit Inspection Type: Stormwater Discharge, Individual

Facility Status: ☐ Compliant      ☒ Not Compliant

Question Areas:

☒ Storm Water

(See attachment summary)

**Inspection Summary:**

On July 1, 2020 this facility was inspected for compliance. I met with Charles Howell and Shannon Andrews on site. During the inspection, the following items were noted:

- 1) Secondary containment was not provided for an above ground storage container located next to the office building. The permittee shall immediately begin efforts to provide adequate secondary containment for all bulk storage of liquid materials on site as outlined in the NCS000562 Individual Stormwater Permit.
- 2) The secondary containment for hazardous waste storage was damaged and cracked. The permittee shall immediately begin efforts to repair all containment structures on site to provide adequate secondary containment as outlined in the NCS000562 Individual Stormwater Permit.
- 3) The site plan was found to be incomplete and did not meet the requirements of the permit. The permittee shall immediately begin efforts to update, review and submit an accurate site plan as outlined in the NCS000562 Individual Stormwater Permit, including all stormwater infrastructure.
- 4) The Containment around the Solids storage located at basin one was found to be incorrectly installed. The permittee shall immediately begin efforts to address, inspect and repair all containment devices utilized on site to assure proper function and operation as outlined in the NCS000562 Individual Stormwater Permit.
- 5) After reviewing the analytical data provided on site, it was determined that the permittee has failed to implement all required actions in response to Tier 1, 2, and 3 requirements. The permittee is directed to immediately begin implementing all responsive actions outlined in the Tier 1 and Tier 2 requirements as outlined in the NCS000562 Individual Stormwater Permit. Be advised that this requirement includes identifying and evaluating all possible causes of benchmark exceedances. This includes but is not limited to: investigative monitoring to evaluate where the source of the exceedance may be coming from. Please refer to the enclosed Notice of Violation for further requirements.

In accordance with Part II, Section B, Tier 3 requirements, the permittee is required to conduct analytical monitoring, for all parameters, at the inlet to Basin 1 where the stormwater pipe discharges to the energy dissipater. This monitoring shall occur at a minimum of once every seven (7) calendar days to begin on the date of receipt of this Notice and to continue for a period not less than three (3) months from the date of receipt of this Notice. Be advised that this monitoring shall be done separately and in addition to the investigative monitoring conducted pursuant to Tier 2 response actions.

If you have any questions, please contact this office at (828) 296-4614

**Stormwater Pollution Prevention Plan**

	Yes	No	NA	NE
Does the site have a Stormwater Pollution Prevention Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the Plan include a General Location (USGS) map?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the Plan include a "Narrative Description of Practices"?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the Plan include a detailed site map including outfall locations and drainage areas?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the Plan include a list of significant spills occurring during the past 3 years?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Has the facility evaluated feasible alternatives to current practices?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the facility provide all necessary secondary containment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the Plan include a BMP summary?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the Plan include a Spill Prevention and Response Plan (SPRP)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the Plan include a Preventative Maintenance and Good Housekeeping Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the facility provide and document Employee Training?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the Plan include a list of Responsible Party(s)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Is the Plan reviewed and updated annually?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Does the Plan include a Stormwater Facility Inspection Program?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the Stormwater Pollution Prevention Plan been implemented?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment: <u>See summary for more information.</u>				

**Qualitative Monitoring**

	Yes	No	NA	NE
Has the facility conducted its Qualitative Monitoring semi-annually?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment:				

**Analytical Monitoring**

	Yes	No	NA	NE
Has the facility conducted its Analytical monitoring?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Has the facility conducted its Analytical monitoring from Vehicle Maintenance areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Comment: <u>Analytical monitoring not conducted in accordance with Tier 2 requirements.</u>				

**Permit and Outfalls**

	Yes	No	NA	NE
# Is a copy of the Permit and the Certificate of Coverage available at the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# Were all outfalls observed during the inspection?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
# If the facility has representative outfall status, is it properly documented by the Division?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
# Has the facility evaluated all illicit (non stormwater) discharges?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comment:				